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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

DAREECE BETHUNE,

Defendant.
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: **PRELIMINARY ORDER OF
FORFEITURE AS TO
SUBSTITUTE ASSETS**

: 20 Cr. 168 (VB)

WHEREAS, on or about February 28, 2020, DAREECE BETHUNE (the
“Defendant”), was charged in a one-count Information, 20 Cr. 168 (VB) (the “Information”), with
narcotics conspiracy, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and
(b)(1)(B) (Count One);

WHEREAS, on or about ^{February 28,} ~~September 25,~~ 2020, the Defendant pled guilty to Count
One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant
admitted the forfeiture allegation with respect to Count One of the Information and agreed to
forfeit, pursuant to Title 21, United States Code, Section 853, a sum of money equal to \$17,953 in
United States currency, representing the amount of proceeds traceable to the commission of the
offense charged in Count One of the Information;

WHEREAS, on or about September 25, 2020, the Court entered a Consent
Preliminary Order of Forfeiture/Money Judgment (the “Order of Forfeiture”), imposing a money
judgment against the Defendant in the amount of \$17,953 (the “Money Judgment”), representing
the amount of proceeds traceable to the offenses charged in Count One of the Information that the
Defendant personally obtained (D.E. 29);

WHEREAS, to date, the entire Money Judgment against the Defendant remains unpaid;

WHEREAS, as a result of acts and omissions of the Defendant, the Government, despite its exercise of due diligence, has been unable to locate or obtain the remaining proceeds of the offenses charged in Count One of the Information and

WHEREAS, the Government has identified the following specific asset in which the defendant has an ownership interest:

- a. \$4,238 in United States currency seized from the Defendant on or about November 5, 2019 at the time of arrest;

(the "Substitute Asset");

WHEREAS, the Government is seeking the forfeiture of all of the Defendant's right, title and interest in the Substitute Asset;

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the Defendant's right, title and interest in the Substitute Asset is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).
2. Upon entry of this Preliminary Order of Forfeiture of Substitute Assets, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Substitute Asset and to keep it in its secure, custody and control.
3. Upon entry of a Final Order of Forfeiture, the Substitute Asset shall be applied towards the satisfaction of the Money Judgment entered against the Defendant.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture as to Substitute Assets and provide notice that any person, other than the Defendant in this case, claiming an interest in the Substitute Asset must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Asset and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the Defendant, known to have an alleged interest in the Substitute Asset, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Asset, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to Substitute Asset, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Dated: White Plains, New York

~~July 11, 2024~~

August 6, 2024

SO ORDERED:



HONORABLE VINCENT L. ~~BRICCETTI~~ BRICCETTI
UNITED STATES DISTRICT JUDGE